

Filed 10/18/05 by Clerk of Supreme Court
IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2005 ND 170

City of Bismarck,

Plaintiff and Appellee

v.

John Witzke,

Defendant and Appellant

No. 20050169

Appeal from the District Court of Burleigh County, South Central Judicial District, the Honorable Burt L. Riskedahl, Judge.

AFFIRMED.

Per Curiam.

John Witzke, pro se, 624 North 21st Street, Bismarck, N.D. 58501, defendant and appellant; submitted on brief.

Paul H. Fraase, Assistant City Attorney, P.O. Box 5503, Bismarck, N.D. 58506-5503, for plaintiff and appellee; submitted on brief.

City of Bismarck v. Witzke

No. 20050169

Per Curiam.

[¶1] John Witzke appeals from the trial court's criminal judgment finding him guilty of attempted criminal mischief. On appeal, Witzke argues that the trial judge was biased against him, did not respond to his pretrial motion, and allowed the prosecutor to go beyond the scope of the trial in his examination of witnesses. Witzke also argues the prosecutor presented a case that was misleading and asked questions of witnesses he knew would result in false or misleading answers. Finally, Witzke argues three witnesses in the trial perjured themselves.

[¶2] The trial court's criminal judgment is supported by substantial evidence. Witzke's arguments are frivolous and completely without merit. We summarily affirm under N.D.R.App.P. 35.1(a)(1) and (3).

[¶3] Gerald W. VandeWalle, C.J.
Mary Muehlen Maring
Daniel J. Crothers
Dale V. Sandstrom
Carol Ronning Kapsner